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ATTORNEYS FOR PLAINTIFF K.D., a minor

by and through his Guardian ad Litem

LAQUANTAE DAVIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

K.D., a minor, by and through his
Guardian ad Litem LAQUANTAE
DAVIS,

Plaintiff,

v.

CALIBER CHANGEMAKERS
ACADEMY, VALLEJO UNIFIED
SCHOOL DISTRICT, RACHAEL
WEINGARTEN, AISHA FORD and
DOES 1-50 inclusive,

Defendants.

Case No. 2:23-cv-00083-DJC-JDP

**STIPULATION AND ~~[PROPOSED]~~
ORDER PERMITTING
DISCLOSURE OF VALLEJO
POLICE DEPARTMENT'S
INVESTIGATION FILE FOR CASE
NO. 22-2512**

Plaintiff K.D., a minor by and through his Guardian ad Litem LAQUANTAE
DAVIS and Defendants, CALIBER CHANGEMAKERS ACADEMY, VALLEJO
UNIFIED SCHOOL DISTRICT, RACHAEL WEINGARTEN, AISHA FORD
(collectively "Defendants") and the VALLEJO POLICE DEPARTMENT, through
their undersigned counsel, hereby stipulate as follows:

IT IS HEREBY STIPULATED by and between the parties hereto that:

1. This case arises from Plaintiff K.D.'s allegations that, on multiple dates
during the 2021-2022 school year while attended fourth grade at CALIBER

1 CHANGEMAKERS ACADEMY in Vallejo, K.D. was repeatedly sexually assaulted by
2 student K.J.W.. Defendants deny any liability for the claims of K.D.

3 2. The Vallejo Police Department has advised it conducted an investigation
4 of Plaintiff's allegations, spoke to witnesses, and prepared reports relating to its
5 investigation.

6 3. Disclosure of the Vallejo Police Department's investigation file will
7 assist the parties in prosecution and defense of this lawsuit. Additionally, disclosure
8 of the Vallejo Police Department's investigation will assist in attempting to resolve
9 the matter.

10 4. According to counsel for Plaintiff, on May 3, 2023, counsel for Plaintiff
11 K.D. issued a subpoena to the Vallejo Police Department seeking its investigation file
12 for Case # 22-2512. On May 31, 2023, the City Attorney objected on behalf of the
13 Vallejo Police Department on the grounds that reports of suspected child abuse are
14 confidential under California law and are subject to criminal and civil penalties for
15 release except to specified individuals under California Penal Code §§ 11169(a) and
16 11167.5(a). *See Kelly v. City of San Jose*, 114 F.R.D. 653 (N.D. Cal. 1987); *Webb v.*
17 *Cnty. of Stanislaus*, 2022 U.S. Dist. LEXIS 26568, *9 (E.D. Cal. 2022).

18 5. According to counsel for Plaintiff, counsel for Plaintiff and counsel for
19 the City of Vallejo have met and conferred and are advised the Vallejo Police
20 Department does not have a particularized concern with release beyond the statutory
21 restrictions and is willing to produce its investigation file for Case #22-2512 pursuant
22 to Court order subject to the conditions set forth herein.

23 6. The parties respectfully request that the Court issue an order directing
24 the Vallejo Police Department to release its investigation file for VPD Case #22-2512
25 to all counsel for the undersigned parties.

26 7. The parties agree that the materials will be used only for the purposes
27 of this litigation and will only be disclosed as indicated in the Protective Order
28 entered herein on July 28, 2023 (Dkt. 34).

1 8. The parties further agree that the material released by the Vallejo
2 Police Department shall be deemed to be confidential and subject to the terms of the
3 Protective Order, and the burden shall be on the parties receiving the documents to
4 seek relief from the Protective Order.

5 IT IS SO STIPULATED THROUGH COUNSEL OF RECORD.

6 Dated: September 21, 2023 CITY ATTORNEYS OFFICE

7
8 By: /S/ Katelyn Knight
9 KATELYN KNIGHT
10 Assistant City Attorney
11 Attorney for Real Party in Interest CITY OF
12 VALLEJO

13 Dated: October 26, 2023 WALKUP, MELODIA, KELLY & SCHOENBERGER

14 By: /S/ Kelly L. Ganci
15 KHALDOUN A. BAGHDADI
16 VALERIE N. ROSE
17 KELLY L. GANCI
18 Attorneys for PLAINTIFF K.D., a minor by
19 and through his Guardian ad Litem
20 LAQUANTAE DAVIS

21 Dated: October 26, 2023 YOUNG MINNEY CORR LLP

22 By: /S/ Mary E. Greene
23 MARY E. GREENE
24 Attorney for Defendants
25 CALIBER CHANGEMAKERS ACADEMY,
26 RACHAEL WEINGARTEN, AISHA FORD

27 Dated: October 26, 2023 JOHNSON SCHACHTER & LEWIS

28 By: /S/ Kellie M. Murphy
KELLIE M. MURPHY
KRISTEN M. CAPRINO
Attorney for Defendant
VALLEJO CITY UNIFIED SCHOOL
DISTRICT

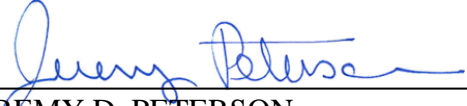
ORDER

THE PARTIES HAVING STIPULATED THERETO AND GOOD CAUSE
APPEARING THEREFORE, it is hereby ordered that:

1. The Vallejo Police Department shall release its investigation file for Case # 22-2512 to all counsel for the parties herein.
2. The material released by the Vallejo Police Department shall be used only for the purposes of this litigation and will only be disclosed as indicated in the Protective Order entered herein on July 28, 2023 (Dkt. 34). The material released by the Vallejo Police Department shall be deemed to be confidential and subject to the terms of the Protective Order, and the burden shall be on the parties receiving the documents to seek relief from the Protective Order.

IT IS SO ORDERED.

Dated: October 30, 2023


JEREMY D. PETERSON
UNITED STATES MAGISTRATE JUDGE